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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION
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In the Matter of:

The New Hampshire Public Utility
Commission's Petition for Delegation of
Additional Authority to Implement
Number Optimization Measures in
the 603 Area Code

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NSD File No. L-99-71

Petition for Declaratory Ruling and Request
for Expedited Action On the July 15, 1997
Order of the Pennsylvania Public Utility
Commission Regarding Area Codes
412, 610, 215 and 717

NSD File No. L-97-42

Implementation of the Local Competition
Provisions of the Telecommunications
Act of 1996

CC Docket No. 96-98

COMMENTS OF MCI WORLDCOM, INC.

MCI WorldCom, Inc. (MCI WorldCom) submits these comments on the petition of the New Hampshire Public Utilities Commission for additional authority to implement number conservation measures in the 603 area code (NHPUC Petition). At the outset, MCI WorldCom notes that the NHPUC Petition includes an unsupported request for a waiver of 47 C.F.R. § 52.19(c)(3),¹ which governs the circumstances under which state commissions may implement area code overlays. Since no support for this request is offered, there is no basis upon which the

¹ NHPUC Petition at 1.

Commission could determine that there is “good cause” for waiver of these rules.

The NHPUC Petition also seeks authority to: (1) implement interim unassigned number portability (UNP); (2) implement mandatory thousands block pooling trials using existing software until upgraded software is available; (3) adopt interim number assignment standards; (4) enforce number assignment standards, including auditing the use of numbering resources, and reclaiming unused and reserved exchange codes; and, (5) revise rationing procedures if necessary.² The Commission has recently addressed a series of similar requests from other state commissions.³ In those orders, the Commission has, *inter alia*, conditionally granted similar requests for authority to implement mandatory thousands block pooling trials, adopt number assignment standards, and enforce number assignment standards. At the same time, the Commission has denied similar requests for authority to implement UNP or to revise rationing procedures, except to extend existing rationing in both pre-existing and relief NPAs for up to six months past the date of relief. This pattern suggests that the NHPUC should expect requests (2),

² *Id.* at 2.

³ *In the Matter of California Public Utilities Commission Petition for Delegation of Additional Authority Pertaining to Area Code Relief and NXX Code Conservation Measures*, CC Docket No. 96-98, NSD File No. L-98-136, Order (rel. Sept. 15, 1999); *In the Matter of New York State Department of Public Service Petition for Additional Delegated Authority to Implement Number Conservation Measures*, CC Docket No. 96-98, NSD File No. L-99-21, Order (rel. Sept. 15, 1999); *In the Matter of Massachusetts Department of Telecommunications and Energy’s Petition for Waiver of Section 52.19 to Implement Various Area Code Conservation Methods in the 508, 617, 781, and 978 Area Codes*, CC Docket No. 96-98, L-99-19, Order (rel. Sept. 15, 1999); *In the Matter of Florida Public Service Commission Petition to Federal Communications Commission for Expedited Decision for Grant of Authority to Implement Number Conservation Measures*, CC Docket No. 96-98, NSD File No. L-99-33, Order (rel. Sept. 15, 1999); *In the Matter of Maine Public Utilities Commission Petition for Additional Delegated Authority to Implement Number Conservation Measures*, CC Docket No. 96-98, NSD File No. L-99-27, Order (rel. September 28, 1999).

(3), and (4) to be granted, and (1) and (5) to be denied. However, as a matter of public policy, only the request for authority to implement interim UNP deserves to be granted.⁴ Instead of dedicating resources to these state petitions, the Commission should focus all of its resources on completion by the earliest possible date of national rules for pooling and other numbering resource optimization measures.

For whatever reason, the Commission has chosen to follow the curious and perhaps unprecedented path of delegating authority that it is itself preparing to exercise within a matter of months.⁵ In each case, the delegation carries with it a disclaimer stating that the “grant will be superseded by forthcoming decisions in the *Numbering Resource Optimization* proceeding that will establish national guidelines, standards, and procedures for numbering optimization.”⁶ The orders further assert that “this limited grant of delegated authority should not be construed as prejudging any of the issues on which the Commission has sought public comment in the *Numbering Resource Optimization Notice*.”⁷ It is difficult to reconcile the Commission’s choice

⁴ MCI WorldCom has consistently argued that interim UNP is a pro-competitive measure that may also yield number conservation benefits, and which can be implemented using existing systems and processes. The NHPUC Petition specifically requests authority to order UNP as a pro-competitive measure to be used in conjunction with its overlay relief plan. The fact that the Commission may not be ready to adopt national rules and guidelines for UNP deployment actually makes a state trial of UNP into a worthwhile endeavor. It is sensible to authorize a trial for a measure that may or not be destined for national deployment, depending on the results of the trial. Oddly, it appears that the Commission is only prepared to authorize “trials” for conservation measures that it plans to adopt nationally.

⁵ It is widely anticipated that the Commission will issue national rules for numbering optimization no later than March 2000.

⁶ See, e.g., Maine Order at ¶ 1.

⁷ *Id.*

with principles of administrative efficiency or sound public policy.

By delegating authority to the various state commission to adopt pooling and other conservation measures, the Commission has implied to those state commissions that pooling can be deployed before the completion of the Commission's expected decision on national guidelines, standards, and procedures for numbering optimization. Otherwise, it simply makes no sense to delegate this authority to these bodies. Surely, the Commission would not on a Monday make a delegation that it was planning to supersede on Tuesday. Such a delegation would turn out to be completely hollow, since the parties to which the delegation was made could not possibly exercise their authority before the Commission negated it. Yet, as a practical matter, that is precisely what the Commission has done in this instance.

It is likely that the Commission's national rules and guidelines will be completed before any state commission, other than the Illinois Commerce Commission, is able to make pooling operational. Assuming that the Commission adopts rules and guidelines by the end of March 2000, it would appear that state commissions have no more than six months to launch pooling. In fact, they do not have even that much time. Pooling requires significant changes to network software and associated operational support systems (OSS). Yet many carriers have already entered a network stability period associated with the Year 2000 rollover that includes OSS and extends at least until the end of February 2000. Indeed, the Commission has directed state commissions to ensure that carriers have an adequate transition time to implement pooling in switches and administrative systems, and has further urged state commissions not to divert

carriers' resources from preparations related to the Year 2000 rollover.⁸ In any case, it is likely that the process of actually beginning the testing and deployment of pooling in many carrier networks and OSS cannot even begin before March 2000, the very month for the expected completion of the Commission's national rules and guidelines.

It is possible that some parties have underestimated the amount of time it will take to commence pooling based on information from Lockheed Martin CIS to the effect that it will take two months to prepare to deploy pooling in a given area. While it is true that this is the amount of time needed to prepare the Number Portability Administrative Center (NPAC) and the pooling administrator, it grossly understates the time required for all parties to prepare for and complete the deployment of pooling. This time frame should not be construed as the industry time frame required to implement number pooling in a given area. In addition to the delay imposed by Year 2000 network stability periods, pooling deployment preparations would, at a minimum, include the following:

- proceedings by the state commission to establish pooling parameters, select a pooling administrator and negotiate appropriate terms and conditions, consider a timetable for pooling implementation, establish a back-up NPA relief plan if the NPA where pooling is to be implemented is in jeopardy, determine a competitively neutral cost recovery mechanism, and consider consolidating rate centers prior to implementing pooling;
- carrier development and implementation in network and OSS to support pooling;
- an initial implementation meeting with the pooling administrator and all participating carriers;
- provision by all carriers of forecasts of their expected demand for thousands blocks over the following 18 months;

⁸ See, e.g., Maine Order at ¶ 34.

- establishment of a date by which all service providers would have to protect blocks with less than ten percent contamination from further contamination;
- identification by all carriers of those blocks with less than ten percent contamination;
- identification of rate area pools;
- intra-service provider porting of all contaminated numbers within blocks to be donated;
- assessment by the pooling administrator of the sufficiency of block donations to meet the forecasted demand;
- requests for additional NXXs if needed to meet forecasted demand;
- analysis of the impacts of the pooling forecast on the record capacity requirements of all carriers;
- testing of network and administrative software by all carriers;
- block donation by all carriers and population of rate area pools;
- removal of donated blocks from carrier number assignment systems.

Given the scope of the activities required to prepare for pooling implementation, along with the delay introduced by carriers' network stability periods, it is entirely possible that no state commission will succeed in making pooling operational before the Commission's national rules and guidelines supersede the Commission's delegation of authority to state commissions. Against that background, the Commission's decisions granting individual states authority to order pooling will accomplish little except to waste the resources of all involved parties.

The Commission's decisions in these matters are not only administratively wasteful, they are also substantively unsupportable. MCI WorldCom and other carriers have previously articulated significant concerns regarding potential network reliability impacts from a proliferation of pooling trials using the existing NPAC software release. Here, the NHPUC

specifically requests authority to implement pooling with that NPAC software release. MCI WorldCom continues to urge the Commission not to expand pooling until NPAC release 3.0 is ready for deployment. The means for conversion of pooling records to the release 3.0 methodology is unknown at this time and may be inherently risky to network reliability. Each pooling trial with the current software load causes a significant increase in the number of records that will later require conversion.⁹ No process has been developed, or even suggested, by which such conversions can occur. Nor has there been any examination of industry costs or cost recovery associated with the conversion of interim pooled records.

The Commission has previously addressed petitions similar to that of the NHPUC in a manner that is inconsistent with administrative efficiency and sound public policy. For the reasons set out above, MCI WorldCom urges the Commission to reconsider the path it has chosen and allow all parties to focus their efforts on preparations for the national implementation of numbering optimization measures.

Respectfully submitted,
MCI WorldCom, Inc.



Henry G. Hultquist
1801 Pennsylvania Ave., N.W.
Washington, D.C. 20006
(202)887-2502

October 5, 1999

⁹ An uncontaminated thousands block in release 1.4 consists of 1,000 records. When converted to the release 3.0 methodology it will consist of a single record.

CERTIFICATE OF SERVICE

I, Vivian Lee, do hereby certify that copies of the foregoing Comments of MCI WorldCom, Inc. were sent via first class mail, postage paid, to the following on this 5th day of October, 1999.

Chairman William E. Kennard*
Federal Communications Commission
The Portals
445 12th Street, S.W., 8th Floor
Washington, DC 20554

Linda Kinney*
Federal Communications Commission
The Portals
445 12th Street, S.W., 8th Floor
Washington, DC 20554

Commissioner Harold Furchtgott-Roth*
Federal Communications Commission
The Portals
445 12th Street, S.W., 8th Floor
Washington, DC 20554

Sarah Whitesell*
Federal Communications Commission
The Portals
445 12th Street, S.W., 8th Floor
Washington, DC 20554

Commissioner Michael Powell*
Federal Communications Commission
The Portals
445 12th Street, S.W., 8th Floor
Washington, DC 20554

Kyle Dixon*
Federal Communications Commission
The Portals
445 12th Street, S.W., 8th Floor
Washington, DC 20554

Commissioner Gloria Tristani*
Federal Communications Commission
The Portals
445 12th Street, S.W., 8th Floor
Washington, DC 20554

William Bailey*
Federal Communications Commission
The Portals
445 12th Street, S.W., 8th Floor
Washington, DC 20554

Commissioner Susan P. Ness
Federal Communications Commission
The Portals
445 12th Street, S.W., 8th Floor
Washington, DC 20554

Kathy Brown*
Chief of Staff
Federal Communications Commission
The Portals
445 12th Street, S.W., 8th Floor
Washington, DC 20554

Tom Power*
Federal Communications Commission
The Portals
445 12th Street, S.W., 8th Floor
Washington, DC 20554

Christopher Wright*
General Counsel
Federal Communications Commission
445 12th Street, S.W., 8th Floor
Washington, DC 20554

Larry Strickling*
Chief, Common Carrier Bureau
Federal Communications Commission
The Portals
445 12th Street, S.W.
Washington, DC 20554

Yog Varma*
Federal Communications Commission
The Portals
445 12th Street, S.W.
Washington, DC 20554

Jordan Goldstein*
Federal Communications Commission
The Portals
445 12th Street, S.W.
Washington, DC 20554

Anna Gomez*
Chief, Network Services
Federal Communications Commission
The Portals
445 12th Street, S.W.
Washington, DC 20554

Al McCloud *
Network Services Division
Federal Communications Commission
The Portals
445 12th Street, S.W.
Washington, DC 20554

Kris Monteith*
Competitive Pricing
Federal Communications Commission
The Portals
445 12th Street, S.W.
Washington, DC 20554

Blaise Scinto*
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Jared Carlson*
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Jeannie Grimes*
Federal Communications Commission
The Portals
445 12th Street, S.W.
Washington, DC 20554

Robert Atkinson*
Federal Communications Commission
The Portals
445 12th Street, S.W., 5th Floor
Washington, DC 20554

Diane Griffin Harmon*
Federal Communications Commission
The Portals
445 12th Street, S.W.
Washington, DC 20554

Tejal Mehta*
Federal Communications Commission
The Portals
445 12th Street, S.W.
Washington, DC 20554

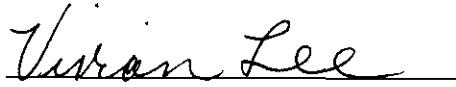
International Transcription Services*
1231 20th Street, N.W.
Washington, DC 20036

The Honorable Douglas L. Patch
New Hampshire Public Utilities
Commission
8 Old Suncook Road
Concord, NH 03301

The Honorable Susan S. Geiger
New Hampshire Public Utilities
Commission
8 Old Suncook Road
Concord, NH 03301

The Honorable Nancy Brockway
New Hampshire Public Utilities
Commission
8 Old Suncook Road
Concord, NH 03301

*HAND DELIVERED


Vivian Lee